

JAN 23 2015

S.B. NO. 764

A BILL FOR AN ACT

RELATING TO HAWAII RULES OF EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 626-1, Hawaii Revised Statutes, is
2 amended by amending rule 1102 to read as follows:

3 **"Rule 1102 Jury instructions; comment on evidence**
4 **prohibited[-]; prosecution's failure to disclose evidence.** (a)

5 The court shall instruct the jury regarding the law applicable
6 to the facts of the case, but shall not comment upon the
7 evidence. It shall also inform the jury that they are the
8 exclusive judges of all questions of fact and the credibility of
9 witnesses.

10 (b) If the court rules that the prosecution intentionally
11 or knowingly failed to disclose information or materials as
12 required by the Hawaii rules of penal procedure, as amended, the
13 court may inform the jury that the failure to disclose the
14 information occurred and that the jury shall consider the
15 prosecution's failure to disclose as relevant in its
16 deliberations to determine whether or not there is reasonable
17 doubt.



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1 This subsection shall not be construed to limit any other
2 remedy available under law."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9
INTRODUCED BY: _____



Will Eyring

Donny H. Bahr

John D. H. J.



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Report Title:

Hawaii Rules of Evidence; Instructions to Jury

Description:

Allows the court to instruct the jury that the jury shall consider the prosecution's failure to disclose information or materials as required by the Hawaii rules of penal procedure as relevant in its deliberations to determine whether or not there is reasonable doubt.

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